


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EXAVIER L. WARDLAW	:	CIVIL ACTION
	:	
v.	:	NO. 21-1942
	:	
THE CITY OF PHILADELPHIA, <i>et al.</i>	:	

ORDER

AND NOW, this 21st day of December 2021, having issued summonses on June 23, 2021 and alias summonses on August 2, 2021 and then Plaintiff failing to timely show cause or proof of timely service responsive to our November 12, 2021 Order (ECF Doc. No. 8) requiring our December 9, 2021 dismissal of his case for failure to prosecute (ECF Doc. No. 9) but now liberally construing his untimely Motion for issuance of summons (ECF Doc. No. 10) as responding to our November 12, 2021 Order requiring him to show cause (ECF Doc. No. 8) claiming he “never received” the alias summons mailed to him in August 2021, and finding good cause including as the Clerk of Court apparently provided Plaintiff with another copy of the August 2, 2021 summons on December 16, 2021 requiring service as soon as possible and mindful we prefer to resolve cases on the merits but Plaintiff must make immediate efforts to effect service, it is **ORDERED** Plaintiff’s pro se Motion (ECF Doc. No. 10) liberally construed as a response to our November 12, 2021 Order (ECF Doc. No. 8) is **GRANTED** requiring:

1. We **vacate** the dismissal in our December 9, 2021 Order (ECF Doc. No. 9) and the Clerk of Court shall return this case to the active docket; and,
2. Plaintiff is granted one last extension to effect service and file proof of service of the summonses and the Complaint upon each named Defendant no later than **January 14, 2022** or we shall dismiss and close the case.


KEARNEY, J.